

## REMARKS

The Application has been carefully reviewed in light of the Office Action dated November 26, 2003 (Paper No. 16). Claims 1 to 15 are in the application, of which Claims 1, 5 and 9, the independent claims are being amended herein. Reconsideration and further examination are respectfully requested.

By the Office Action, Claims 1 to 12 were rejected under 35 U.S.C. §102(e) over U.S. Patent 6,122,403 (Rhoads).

The present invention concerns an image capture apparatus, which is configured to capture, record, reproduce and selectably embed specific information in image data, using a watermarking technique, prior to the image capture apparatus outputting the image data.

By virtue of this arrangement, it is possible to embed information such as a watermark in image data before the image data is output by the apparatus that captured the image, and since the image capturing apparatus both captures the image and embeds the watermark before the image data is output by the apparatus, the opportunity for tampering with a captured image prior to watermarking is diminished.

Turning to the specific language of the claims, Claim 1 defines an image capture apparatus comprising an image capture unit, a recording unit, a reproducing unit, an embedding unit, an outputting unit and a selecting unit. The image capture unit captures an image, and the recording unit records image data for the captured image on a recording medium. The reproducing reproduces the image data captured from the recording medium, the embedding unit embeds specific information into the captured

image using a digital watermarking technique, and the outputting unit outputs the image data. The image data captured and output by the image capture apparatus includes the specific information or not depending on a selection by the selecting unit of either a first process or a second process. When the first process is selected, the embedding unit embeds the specific information into the image data and the outputting unit outputs the image data including the specific information to the outside, and when the second process is selected, the embedding unit does not embed the specific information into the image data and the outputting unit outputs the image data not including the specific information to the outside.

The applied art, namely Rhoads, is not seen to teach or to suggest an image capture apparatus with the above-identified features.

In the Office Action, it is indicated that Rhoads describes a scanner connected to a computer executing software to control the scanner and software to generate and embed a watermark. However, this is not seen to be the same as the image capture apparatus of the present invention.

More particularly, Rhoads is seen to describe an image capture apparatus that captures an image and outputs the image data to a computer, where it is displayed in a window generated by software running on the computer. A user is then able to invoke a utility to create a user identification with a watermarking vendor, to select options for embedding a watermark, and to embed a registered watermark in the image data. (See Rhoads, Figures 43 to 59, col. 69, lines 32 to 35 and 49 to 56, col. 72, lines 15 to 23 and 45, and col. 73, lines 45 to 50)

Use of software executing on a computer that receives an image output by an image capturing apparatus, such as a scanner, such that a watermark is embedded in image data already output by the image capturing apparatus is not seen to be the same as an image capturing apparatus, which is configured to both capture the image and to selectably embed watermark information in image data prior to the image capturing apparatus outputting the image data.

Therefore, for at least the foregoing reasons, Claim 1 is believed to be in condition for allowance. Further, Applicants submit that Claims 5 and 9 are believed to be in condition for allowance for at least the same reasons.

Claims 13 to 15 have the added feature that the specific information embedded in the image data using digital watermarking technique by the image capture apparatus is generated when the image is captured by the image capture apparatus.

As discussed above, Rhoads is seen to describe that watermarking options are set after a captured image is output by the image capturing apparatus to the computer. Rhoads is not seen disclose that specific information, which is embedded in the image data, using digital watermarking technique by the image capture apparatus, is generated when the image is captured by the image capture apparatus.

The remaining claims are each dependent from the independent claims discussed above and are therefore believed patentable for the same reasons. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
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